IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1921 OF 1981

Bank of Baroda ..Plaintiffs

Vs.

Umesh B.Joshi and Ors. ..Defendants

AND

SUIT NO.1922 OF 1981

Bank of Baroda ..Plaintiffs

Vs.

Hasmukhrai M.Sayar and Ors. ..Defendants

AND

SUIT NO.1968 OF 1981

Bank of Baroda ..Plaintiffs

Vs.

Dharji Chagan Shah and Ors. ..Defendants

Mr.D.S.Paranjpe for the plaintiffs

Mr.Madhur Rai i/b M/s.Negandhi Shah and Himayatullah for the defendants

CORAM : S.U.KAMDAR, J
DATED : 28TH FEBRUARY, 2006

P.C.:

1. By consent of the parties, following order is passed. Order dt.29.11.01 passed in Suit No.1968 of 1981 is quashed and set aside. Suit restored. In all these three suits, the following decree is passed by consent of the parties:

2. There shall be decree on admission against the defendants and in favour of the plaintiffs as prayed. However, the said decree to be marked 'satisfied' on defendants making payment of Rs.2,25,000/- in full and final settlement of all the claims. In all the aforesaid three suits, out of a sum of Rs.2,25,000/- the learned counsel for the plaintiffs bank states that there is already an amount lying with them of Rs.1,25,000/-. The plaintiff bank will adjust the same towards the decreetal claim.

3. In so far as balance Rs.1,00,000/- is concerned, defendants shall make payment in monthly instalments of Rs.10,000/- per month commencing from 30.3.06 and on 30th of each succeeding month. In an event of any two defaults or default in payment of last instalment, plaintiffs will be

entitled to execute decree as prayed. If the amount of Rs. 1,00,000/- is paid, the claim in all the three suits will stand duly satisfied and decree to be marked ’satisfied’.

4. It is also clarified that the plaintiff bank will not press the claim in respect of the suit nos.5650 of 1981 and suit 5623 of 1981 which are already disposed of in City Civil Court at Bombay. Suit disposed of accordingly. Refund of court fee as per rules.